

-1-

Attorney Docket No. 2200.021

## DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

(X) Original                      ( ) Supplemental                      ( ) Substitute                      ( ) PCT

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled "A NOVEL METHOD FOR IMPORTING BIOLOGICALLY ACTIVE MOLECULES INTO CELLS", which is described and claimed in the specification

(check one)    ☐ which is attached hereto, or  
                  ☒ which was filed on June 13, 1994, as Application Serial No. 08/258,852 and with amendments through (if applicable), or  
                  ☐ in International Application No. PCT/, filed , and as amended on (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information known by me to be material to the patentability of the claims of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate relating to this subject matter having a filing date before that of the application on which priority is claimed:

PRIOR FOREIGN APPLICATIONS: (ENTER BELOW IF APPLICABLE)			PRIORITY CLAIMED (MARK APPROPRIATE BOX BELOW)	
APP. NUMBER	COUNTRY	DAY/MONTH/YEAR FILED	YES	NO
N/A				

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose all information known by me to be material to the patentability of the claims of this application as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

-2-

APPLICATION SERIAL NO.	FILING DATE	STATUS (MARK APPROPRIATE CIRCLE BELOW)		
		PATENTED	PENDING	ABANDONED
N/A				

I hereby appoint the following attorneys and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

William H. Needle (Reg. No. 26,209); Sumner C. Rosenberg (Reg. No. 28,753); David G. Perryman (Reg. No. 33,438); Gwendolyn D. Spratt (Reg. No. 36,016); William L. Warren (Reg. No. 36,714); Mitchell A. Katz (Reg. No. 33,919); Elizabeth Selby (Reg. No. P38,298); Nagendra Setty (Reg. No. P38,300) and Yahn W. Bernier (Reg. No. P38,078).

Address all telephone calls to David G. Perryman at telephone no. (404) 688-0770.  
Address all correspondence to:

David G. Perryman, Esq.  
NEEDLE & ROSENBERG, P.C.  
Suite 1200, The Candler Building  
127 Peachtree Street, N.E.  
Atlanta, Georgia 30303-1811

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: Yao-Zhong Lin

Inventor's signature: [Signature] Date: Nov 28, 1994

Residence: 101 Stoneway Close, Nashville, Tennessee 37209

Post Office Address: 101 Stoneway Close, Nashville, Tennessee 37209

Citizenship: People's Republic of China

Full name of second inventor: Jack J. Hawiger

Inventor's signature: [Signature] Date: 28th November 1994

Residence: 1818 Laurel Ridge Drive, Nashville, Tennessee 37215

Post Office Address: 1818 Laurel Ridge Drive, Nashville, Tennessee 37215

Citizenship: U.S.A.

Page 1 of 2

Applicant or Patentee: Lin and Hawiger

Serial or Patent No.: 08/258,852

Attorney's

Docket No.: 2200.021

For: "A NOVEL METHOD FOR IMPORTING BIOLOGICALLY ACTIVE MOLECULES INTO CELLS"

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9(f) and 1.27(d)) - NONPROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION: Vanderbilt University  
ADDRESS OF ORGANIZATION: Nashville, Tennessee 37240

TYPE OF ORGANIZATION:

☒ University or other institution of higher education

Name of state: Tennessee

(Citation of statute)

☐ Would qualify as tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c) (3)) if located in The United States of America

☐ Would qualify as nonprofit scientific or educational under statute of state of The United States of America if located in The United States of America  
(Name of state)  
(Citation of statute)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9 (e) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code with regard to the invention entitled "A NOVEL METHOD FOR IMPORTING BIOLOGICALLY ACTIVE MOLECULES INTO CELLS" by inventors Yao-Zhong Lin and Jack J. Hawiger described in the specification filed on June 13, 1994.

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required for each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME N/A

ADDRESS \_\_\_\_\_

☐ INDIVIDUAL☐ SMALL BUSINESS CONCERN☐ NONPROFIT ORGANIZATION

Page 2 of 2

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Leona Marx  
TITLE IN ORGANIZATION Assistant General Counsel  
ADDRESS OF PERSON SIGNING Vanderbilt University, 405 Kirkland Hall, Nashville,  
Tennessee 37240  
SIGNATURE *Leona Marx* DATE 11/28/94

RECORDATION FORM COVER SHEET  
PATENTS ONLY

TO THE HONORABLE COMMISSIONER OF PATENTS AND TRADEMARKS:

Please record the attached original documents or copy thereof.

ATTORNEY DOCKET NO.: 2200.021

1. Name of conveying party(ies):

Yao-Zhong Lin  
Jack J. Hawiger

Additional names of conveying party(ies) attached?

☐ YES ☒ NO

2. Name and address of receiving party(ies):

Name: Vanderbilt University

City: Nashville

State: Tennessee

Zip: 37240

Additional name(s) and address(es) attached?

☐ YES ☒ NO



3. Nature of conveyance:

<input checked="" type="checkbox"/>	Assignment	<input type="checkbox"/>	Merger	<input type="checkbox"/>	Other
<input type="checkbox"/>	Security Agreement	<input type="checkbox"/>	Change of Name		

Execution Date: November 28, 1994

4. Application number(s) or patent number(s):

If this document is being filed together with a new application,  
the execution date of the application is:

A. Patent Application No.(s):

08/258,852

B. Patent No.(s):

Additional numbers attached? ☐ YES ☒ NO

5. Name and address of party to whom correspondence  
concerning document should be mailed:

David G. Perryman, Esq.  
NEEDLE & ROSENBERG, P.C.  
Suite 1200, The Candler Building  
127 Peachtree Street, N.E.  
Atlanta, Georgia 30303-1811  
(404) 688-0770

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41):

\$40.00

☒ Enclosed

☐ Authorized to be charged to Deposit Account.

\*\*\*\*\*  
The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any  
overpayment, to Deposit Account No. 14-0629.  
\*\*\*\*\*

8. Deposit account number: 14-0629

=====  
(Attach duplicate copy of this form if paying by deposit account)

9. To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Elizabeth Selby  
Elizabeth Selby  
Registration No. 38,298

12-1-94  
Date

Total Number of Pages Including Cover Sheet, Attachments, and Document: 5

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Commissioner of Patents  
and Trademarks  
BOX ASSIGNMENTS  
Washington, D.C. 20231

on this 1st day of December, 1994.

Elizabeth Selby  
Elizabeth Selby

12-1-94  
Date